



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-051

September 9, 2004

Paul Askew
104 Governor Wentworth Highway
Mirror Lake, NH 03853

RE: DES Wetlands File #2004-00434, 100 Governor Wentworth Highway, Tuftonboro

Dear Mr. Askew:

On May 10, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Tuftonboro Tax Map 52 as Lot 2-10 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 3,750 square feet of fill consisting of boulders, rocks, and soil had been deposited in a jurisdictional wetland. DES records indicate that a permit had not been issued for the fill.
2. Stockpiles of soil had been dumped adjacent to a small pond on the Property, resulting in the soils eroding and migrating into the pond. No erosion controls were observed.
3. Wood chips from stockpiles were eroding into the ditch line along Route 109 and were migrating along the ditch line and through a culvert under Route 109. The culvert discharges water over an embankment and eventually into Mirror Lake. Wood chips were observed at the outlet to the culvert.

In response, you are requested to take the following actions

1. Immediately install erosion controls (silt fence, hay bales, *etc.*) around any remaining stockpiles of wood chips to prevent potential erosion into Mirror Lake.
2. By October 8, 2004, retain a certified wetland scientist to prepare a restoration plan to DES to remove the fill located within the wetland and from the pond. The restoration plan approval should be submitted to DES for approval by November 5, 2004, and contain the following:
 - a. A plan with dimensions, drawn to scale, indicating the footprint of the wetland prior to the addition of fill (delineated in accordance with Section F of the *Corps of Engineers Wetlands Delineation Manual*), and the footprint of the existing conditions indicating the areas that have been filled;
 - b. A plan for re-establishing the wetland to its original footprint;
 - c. A proposed means for erosion control;

- d. A proposed schedule and restoration sequence listing equipment and methods for accomplishing restoration;
- e. A proposed planting plan for the re-establishment of wetland vegetation; and
- f. A monitoring and reporting schedule including an initial report to DES and at least one restoration progress report after a full growing season.

3. Implement the restoration plan only after receiving written approval as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive, P Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

COPY
Colin G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0002 9773 5081

cc: Rene Pelletier, Manager, Land Resources Management Program ✓
Gretchen R. Hamel, Administrator, DES Legal Unit
Tuftonboro Conservation Commission
Tuftonboro Board of Selectmen
USACOE